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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Argentina*, Armenia*, Austria, Netherlands, Portugal*, Russian Federation, Slovakia*: draft resolution

Human rights and forensic science

The Commission on Human Rights,

Recalling its resolution 1993/33 of 5 March 1993,

Welcoming the report of the Secretary-General on human rights and forensic science (E/CN.4/1994/24), submitted pursuant to its resolution 1993/33,

Welcoming also the preliminary list of organizations and individual experts in forensic science compiled by the Secretary-General in his report and also the organizations mentioned in his previous report (E/CN.4/1993/20),

Expressing its gratitude to the Governments and organizations that recommended names of organizations and experts for the preliminary list,

Conscious that other organizations and individual experts in forensic science should be added to the preliminary list,

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* In accordance with rule 69, para. 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Welcoming the contacts maintained by the Working Group on Enforced or Involuntary Disappearances with certain organizations and individuals in the field of forensic science and human rights and the elaboration by the Working Group of a preliminary scheme for establishing a standing team of forensic experts,

Noting that the need by Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances has been emphasized in the reports of the Working Group and of the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as those of various country rapporteurs,

Noting also that forensic science can help to reunite children of disappeared persons forcefully separated from their parents with their surviving relatives,

Noting further that forensic medicine is an important tool in detecting evidence of torture,

Noting that in many of the countries concerned, sufficient expertise in forensic science and related fields to investigate human rights violations effectively is not available,

Recognizing that training of local teams in responsible exhumation and identification procedures is a prerequisite for the effective investigation of human rights violations,

Aware that a number of Governments have requested the Secretary-General to provide technical assistance in this regard,

Also aware of the experience of the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992 and other United Nations fact-finding investigations supporting the need for a list of experts in forensic science,

Further aware that several special rapporteurs have welcomed efforts towards the institution of a standing team of forensic experts to assist them in carrying out their human rights mandates,

Recalling the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989,

Considering the proposed model autopsy protocol prepared under United Nations auspices contained in the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (United Nations publication, Sales No. E.91.IV.1),

1. Invites States to take measures to introduce into their rules and practices the international standards set forth in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, as well as the model autopsy protocol set forth in the Manual on the Effective Prevention and Investigation of Extra-legal Arbitrary and Summary Executions;

2. Requests the Secretary-General again to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts, the organizations mentioned in his reports of 1993 and 1994, and other interested institutions with a view to:

(a) Identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes;

(b) Submitting biographical data on the experts, including professional qualifications, current employment, contact address, gender (the nomination of female experts is encouraged) and the kinds of assistance they could provide; and

(c) Seeking their advice as to the elaboration of principles, guidance, procedures, mechanisms and training, in addition to the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

3. Also requests the Secretary-General to continue efforts to establish, on the basis of these consultations and on the basis of continuing efforts on the part of the Working Group on Enforced or Involuntary Disappearances, to render active assistance, a list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared;

4. Further requests the Secretary-General annually to update and to make this list available to the special rapporteurs and experts of the United Nations human rights mechanisms so that they may request these forensic experts to assist them in evaluating documents and other evidence and to accompany them on country visits;

5. Requests the Secretary-General to provide appropriate resources, within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing the present resolution;

6. Also requests the Secretary-General to report to the Commission at its fifty-second session on progress made in this matter, including:

(a) The latest list of experts; and

(b) A standard arrangement or cooperation service agreement regulating the use of forensic experts, as well as to make such recommendations as he may consider appropriate;

7. Decides to consider the question at its fifty-second session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

8. Also decides to recommend to the Economic and Social Council the following draft decision for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/... of .. March 1994, approves the Commission's requests to the Secretary-General:

(a) To maintain and enlarge the list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared;

(b) To provide appropriate resources, within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing Commission resolution 1994/...".